

REMARKS

Election With Traverse

In the Office Action dated June November 24, 2003, restriction to one of the following inventions was required:

- Group A - Claims 2-8
- Group B - Claims 13-15, 19-21, 40-48, 50-52, and 78-86
- Group C - Claims 22-23
- Group D - Claim 33
- Group E - Claims 67-77

If Group B is elected, a further election of sub-species was required:

- Group B1 - Claims 13-15 and 19-21
- Group B2 - Claims 40-48 and 50-52
- Group B3 - Claims 78-86

It was further indicated that Claim 1 appears to be generic.

Claims 9-12, 16-18, 24-39, 49 and 53-66 were not placed into any groups.

Applicants hereby elect the claims of Group B, and further elects the subspecies of group B1 (claims 13-15 and 19-21). The election is with traverse, as explained below.

Claims Not Grouped

Applicants assert that claims 16-18, which were not placed into any group, and which are dependent upon claim 15 (group B1), are properly considered a part of group B1, and respectfully requests that those claims be examined along with the claims of group B1.

The Restriction of Group B2 From Group B1 Is Improper

Applicants further assert that Groups B1 and B2 should not be grouped as separate subspecies, and should rather be examined together as a single subspecies. For example, claim 40 includes exactly the same limitations as claim 17, except that claim 40 is written in independent form. Claim 40 (group B2) could also be rewritten as dependent upon claim 15 (group B1) by adding the limitations of claims 16 and 17 to those of claim 15. Claim 40 therefore cannot be of a different species from claim 15. See, MPEP 806.04(f) (species must have mutually exclusive characteristics -- and properly restricted claims must be such that

“one claim recites limitations which under the disclosure are found in a first species but not in a second, while a second claim recites limitations disclosed only for the second species and not the first”). While claim 40 includes limitations not present in claim 15, claim 15 *does not* include any limitations that are not also present in claim 40, so restriction between the two claims is improper. The Applicants respectfully request withdrawal of the requirement that an election be made between subspecies B1 and B2, and requests that subspecies B2 be examined along with subspecies B1.

Specifically, claim 17 is dependent upon the following claims: 1, 13, 15, and 16. All of the limitations of claim 40 may be found in claim 17 (and the claims from which it depends) as follows:

Claim 40

depositing an organic layer	claim 13
depositing a thin metal film	claim 1
pressing a patterned die	claim 1
removing the patterned die	claim 1
removing portions of the thin metal film	claim 15
removing portions of the organic layer	claim 15
anisotropic etching the portions of said substrate	claim 16
removing the patterned metal layer	claim 17

Telephone Conversation

The Applicants thank the Examiner for the courtesy extended during a telephone conversation on December 9, 2003. During that call, the Applicants raised the issue of whether claim 40 was properly in a different restriction group than claim 15, since it could be written as dependent on claim 15. The Applicants still believe that claim 40 includes all of the limitations of claim 15, plus some additional limitations, and is therefore not properly restricted into a different group.

The examiner also indicated that claim 1, as a generic claim, would be examined, and, if claim 1 was found allowable, all dependent claims would be examined.

Statement re: Generic Claim

Claim 1 reads upon the elected species.

CONCLUSION

The Commissioner is authorized to charge any fees relevant to this filing to Kenyon & Kenyon Deposit Account 11-0600. The Examiner is invited to contact John McGroarty at (202) 220-4227 to discuss any matter concerning this application.

Respectfully submitted,



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